

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 889 of 2003

Jabalpur, this the 19th day of December, 2003

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Mrs. Zebun Nisa Khan,
W/o. Mohd. Shafeeqe Khan,
Aged about 42 years, LDC,
Office of Director of Accounts
(Postal), G.T.B. Complex,
T.T. Nagar, Bhopal 462 003.

... Applicant

(By Advocate - Shri S.K. Nagpal)

V e r s u s

1. Union of India,
Through : The Secretary,
Ministry of Communications,
Department of Post, Dak Bhavan,
Sansad Marg, New Delhi.
2. The Director General,
Department of Post, Dak Bhavan,
Sansad Marg, New Delhi.
3. The Chief Post Master General,
MP Circle, Dak Bhavan, Bhopal.
4. Director of Accounts (Postal) GTB
Complex, T.T. Nagar,
Bhopal 462 003.

... Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

The applicant has filed this Original Application seeking a direction to quash the impugned order dated 29.08.2003 (Annexure A-1).

2. The brief facts of the case are that the applicant is working as Sorting Assistant at Bhopal in the Postal Accounts Department. She has been transferred to Raipur vide order dated 29.08.2003. In this case the husband of the applicant is working at Bhopal in R.M.S. The contention of the applicant is that the impugned order of her

transfer from Bhopal to Raipur, issued by the respondents, will cause a lot of problems to both of them and their children. She has further submitted that she has also given her option to remain in State of Madhya Pradesh at Bhopal Region but her request has not been considered by the respondents. Aggrieved by this, she has filed this OA.

3. Heard the learned counsel for the applicant.

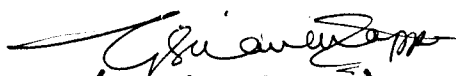
4. The learned counsel for the applicant states that the husband of the applicant is working at Bhopal in Railway Mail Service. He has also stated that the applicant ^{her family are} and/ victims of Gas leakage tragedy of Bhopal and ^{she} they are suffering from gas problem and are under treatment at Bhopal. He has also stated that when the Postal Accounts Offices were opened at Guwahati and Shillong only willing employees were posted there and no body was transferred without willingness. He has further drawn our attention to the letter dated 4/6.12.2001 (Annexure A-6) issued by the Government of Madhya Pradesh which stipulates that on the re-organisation of States of Madhya Pradesh and Chhattisgarh, employees will be allocated the State in accordance with their own option. He further submitted that these guidelines are issued by the Government of Madhya Pradesh and are in accordance with the ^{issued} guidelines/ by the Government of India, Ministry of Personnel and Training.


5. We have considered the submissions made by the learned counsel for the applicant. In the case of transfer the Hon'ble Supreme Court has laid down that the transfer is an administrative matter and should not be interfered

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by the Courts or Tribunals unless the transfer order is in violation of statutory Rules or is mala fide. In this case, we find that the transfer of the applicant from Bhopal to Raipur has been done in pursuance of creation of a new circle in Chhattisgarh State. It is not a violation of any statutory Rule and is also not mala fide. The learned counsel for the applicant has submitted that the representation dated 05.09.2003 (Annexure A-3) is pending before the respondents and they have not yet taken any decision.

6. In the circumstances, we find that it will be appropriate to direct the respondents to first decide the representation dated 05.09.2003 (Annexure A-3) of the applicant and also treat this OA as part of the representation. The respondents are directed to decide the representation by a detailed, speaking and reasoned order within a period of 2 months from the date of receipt of copy of this order. A copy of the OA be also sent to the respondents along with this order. In case the applicant is not relieved, she will not be disturbed from the present place of posting till her representation is decided by the respondents. The Original Application is disposed of with the above directions. No costs.


(G. Shanthappa)
Judicial Member

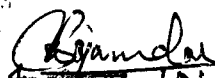

(M.P. Singh)
Vice Chairman

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प तिलिपि तासो विसा

- (1) सचिव, उच्च न्यायालय जबलपुर
- (2) आलेखक (डी.पी.सी./डू.....) SK Nagpal, Adv.
- (3) सचिव, न्यायालय जबलपुर Respond 1 to 4
- (4) सचिव, न्यायालय जबलपुर


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